

**FILED**

**JUL 27 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN YANEZ-HERNANDEZ, aka Juan  
Brito Trujillo, Rogelio Hernandez, Juan  
Hernandez, Rogelio Guardarrama, Juan  
Guerrera-Moreno, Arturo Hernandez-  
Yaniz,

Defendant - Appellant.

No. 05-10567

D.C. No. CR-04-01229-NVW

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Neil V. Wake, District Judge, Presiding

Submitted July 24, 2006<sup>\*\*</sup>

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Juan Yanez-Hernandez appeals from the 51-month sentence imposed  
following his guilty plea conviction for unlawful reentry of a deported alien, in

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 8 U.S.C. § 1326(a), enhanced by (b)(2).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Yanez-Hernandez's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Yanez-Hernandez filed a *pro se* brief. The Government did not file an answering brief.

We have reviewed the briefs and conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), and we dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (appeal waiver valid when entered into knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**.

**DISMISSED.**